

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 12/15/2006

Case Number 2:02-cr-234

Case Style: USA vs. DANNY RAY WELLS

Type of Hearing Resentencing

2512-Faber

Court Reporter Ayme Cochran

Courtroom Deputy Susan Howie

Attorney(s) for the Plaintiff or Government R. Booth Goodwin

Attorney(s) for the Defendant(s) John R. McGhee

Law Clerk Allison Skinner

Probation Officer Ruth Loftis

Trial Time

Non-Trial Time

CourtTime

1:00 pm to 1:27 pm

Total Court Time: 0 Hours 27 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start Time: 1:00 p.m.

Actual Start Time: 1:00 p.m.

Counsel noted their appearances. Defendant present and represented by counsel, appears re: 4CCA opinion affirming conviction, vacating sentence, and remanding for resentencing.

Guideline findings made.

Base Offense Level: 19

Total Offense Level: 27

Criminal History Category: I

Custody Range: 70-87 months

Supervised Release: 2-3 years

Fine Range: \$12,000-\$125,000

Restitution: \$4,197.00

Special Assessment: \$100.00

No objections to findings.

Mr. McGhee objects to the enhancements, Mr. Goodwin responds and Mr. McGhee replies.

Objections overruled.

Mr. Goodwin sets forth argument on motion for upward departure. Mr. McGhee responds. Motion Denied.

Argument on Guideline sentence by Mr. McGhee, Defendant addresses the Court, response by Mr. Goodwin.

Sentence imposed as follows:

Custody: 87 months imprisonment

Supervised Release: 3 years

Restitution \$4,197.00

Special Assessment: \$100.00

Fine waived.

No objections by Mr. Goodwin or Mr. McGhee re: sentence imposed.

Findings made.

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Defendant advised he has ten days to appeal.
Court adjourned 1:27 p.m.